

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3537 OF 2004

Balu Motiram Jadhav ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. N.R. Bubna, for the Applicant.

Mr. V.B. Konde Deshmukh, for the Respondent.

...

CORAM : A.M.KHANWILKAR, J.

29th September 2004

P.C.:

. This is the first application preferred by the Applicant before this Court. The Applicant had filed application for bail before filing of charge sheet before the trial Court, which was rejected. After charge sheet was filed, fresh application for bail was filed by the Applicant, which has been rejected by the Court below vide order dated 2nd August 2004. The Court below has observed that mere filing of charge sheet is no ground or change of

circumstance. In view of the recent decision of our High Court (Bhosale,J.), it is held that filing of charge sheet is a change of circumstance and the Court is obliged to consider the bail application on its own merits. In the impugned order, the Court below has adverted to two dying declarations. However, the argument of the Applicant is that the contents of the dying declarations would stand belied by the two statements of the sons of the Applicant and deceased. However, all those aspects are not considered by the trial Court. In the circumstances, this application is disposed of with direction to the trial Court to reconsider the application filed before it on its own merits in accordance with law. All contentions are left open.

(A.M.KHANWILKAR, J.)